

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

0817726 BC, LTD., et al,

Defendants.

NO: CV-12-483-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80297

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for Entry of Default and Judgment against Defendant Lorrie Penteluke, and it appearing from the file and records of this Court in this cause that the default judgment (Bkcy. Dkt. No. 140) entered by the Bankruptcy Court should be deemed

1 proposed findings of fact and conclusions of law, and that entering final default
2 judgment in conformity with the default judgment entered by the Bankruptcy Court
3 is appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
6 Trustee for LLS America, LLC, shall have a judgment against the Defendant
7 Lorrie Penteluke as follows:

8 1. Monetary Judgment in the amount of CAD \$92,019.67 pursuant to 11
9 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of CAD \$76,678.67 to Defendant Lorrie
11 Penteluke within four years prior to the Petition Filing Date are hereby avoided and
12 Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C.
13 §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW
14 19.40.071;

15 3. Transfers in the amount of CAD \$15,341.00 made to Defendant Lorrie
16 Penteluke more than four years prior to the Petition Filing Date are hereby avoided
17 and Plaintiff may take all necessary action to preserve the same, pursuant to 11
18 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

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1 4. All said transfers to Defendant Lorie Penteluke are hereby set aside and
2 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant
3 Lorrie Penteluke for the benefit of the estate of LLS America, pursuant to 11
4 U.S.C. §§ 544, 550 and 551;

5 5. All proofs of claim of the Defendant Lorrie Penteluke which have been
6 filed or brought or which may hereafter be filed or brought by, on behalf of, or for
7 the benefit of any of the Defendant Lorrie Penteluke or her affiliated entities,
8 against the Debtor's estate, in this bankruptcy or related bankruptcy proceedings,
9 are hereby disallowed and subordinated to the monetary judgment granted herein
10 and Defendant Lorrie Penteluke shall not be entitled to collect on her proof of
11 claim (Claim No. 720-1) until the monetary judgment is satisfied by Defendant
12 Lorrie Penteluke in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);

13 6. A constructive trust is hereby established over the proceeds of all transfers
14 in favor of the Trustee for the benefit of the estate of LLS America; and

15 7. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00
16 USD, for a total judgment of CAD \$92,019.67, plus \$250.00 USD, which shall
17 bear interest equal to the weekly average of one-year constant maturity (nominal)

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1 treasury yield as published by the Federal Reserve System.

2 The District Court Clerk is directed to enter this Order, enter judgment as
3 outlined above, and provide copies to counsel and to Judge Patricia Williams.

4 DATED this 31st day of October 2012.

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7 s/ Rosanna Malouf Peterson
8 ROSANNA MALOUF PETERSON
9 Chief United States District Court Judge
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